

Application No.: 10/501,092
Attorney Docket No.: 042564
Response under 37 CFR §1.111

REMARKS

Claims 1-6 are pending in the present application.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Majima** (WO 01/092417 as evidenced by US 6,780,482, which is used as an Equivalent English document). Favorable reconsideration is requested.

As an initial note and in response to the Office Action's statement that Example 12 of the present application did not satisfy the half value of original claim 1 and does not satisfy the half value of amended claim 1, (Office Action, page 4), Applicant would like to point out that the results of Example 12 were amended in the Amendment dated May 25, 2007 with support in the Declaration submitted December 19, 2007. The half value width of Example 12 was 0.25. (Declaration, page 2.)

Applicant previously pointed out that Majima does not disclose, either expressly or inherently, a film showing "a half value width of recrystallization peak obtained by a differential scanning calorimeter (DSC) by lowering temperature of not more than 0.22" as recited in claim 1. Specifically, Majima discloses a method in which mixing is performed after separately melting the ingredients in different extruders, (col. 8, lines 58-63), but Majima does not disclose extruder requirements and temperature conditions in producing the film. In addition, Applicant submitted a declaration demonstrating that example 11 of Majima fails to satisfy the half value width as recited in claim 1.

In response, the Office Action states that the half value width result of Example 11 of Majima in the Declaration is not persuasive. (Office Action, page 5.) The Office Action states that the disclosure of Majima is not limited to the examples; that Majima also teaches the use of two separate extruders; and thus, comparing the results of Example 11 using only one extruder with claim 1 is inappropriate.

Applicant again respectfully submits that Majima does not disclose, either expressly or inherently, a film showing “a half value width of recrystallization peak obtained by a differential scanning calorimeter (DSC) by lowering temperature of not more than 0.22” as recited in claim 1.

The composition of Majima produced using the method of mixing after separately melting the ingredients, does not necessarily satisfy the half value width of not more than 0.22 as recited in claim 1, and thus, the half value width of not more than 0.22 is not inherent. The specification provides “preferred” ranges for compression ratio, (page 15, lines 27-33), L/D, (page 15, line 33 to page 16, line 8), and temperature (page 16, lines 9-19); and the Examples and Comparative Examples demonstrate conditions necessary for satisfying the recited half value width. Examples 1, 2, 4, 5, 7, 8 and 11 all satisfy the recited half value width of “not more than 0.22.” By contrast, Comparative Example 1 and Examples 3, 9 and 10 demonstrate examples in which two separate extruders were used for separately melting the ingredients and that do not satisfy the recited half value width. Thus, the experimental results in the specification demonstrate that even if the ingredients are separately melted, the recited half value width is not inherent.

The Office Action takes the position that Applicant has not sufficiently shown what temperatures or compression ratios are required. (Office Action, page 5.) The Office Action also states that Examples 1 and 3 of the present specification have different compression ratios, but that the temperatures are different. (Office Action, page 6.)

However, as stated above, the specification provides preferred ranges for compression ratio, L/D and temperature, and the examples in the specification demonstrate conditions for satisfying the recited half value width. Furthermore, regarding the comparison of Examples 1 and 3, the specification states that Example 3 is the same as Example 1 “except that the compression ratio of extruder III was set to 4.0,” and:

[w]hile the conditions of temperature setting and the like were completely the same as in Example 1, the temperature of the resin that came out from a T-die was 263°C.

(Specification, page 24, lines 20-25.) Thus, Example 3 demonstrates that the temperature of the resin that came out of the T-die was 263° *because of the higher compression ratio*. In addition, Comparative Example 1 was the same as Example 1 except that the temperature of the filter part of extruder III was set to 285°C, the temperature from the tip of the screw of extruder III to the T-die was set to 282°C and the temperature of the resin that finally came out from the T-die was set to 266°C. (Specification, page 24, lines 13-19.) Table 1 also demonstrates that the conditions in Example 3 were the same as Example 1 except for compression ratio and that the conditions of Comparative Example 1 were the same as Example 1 except for temperature. Therefore, Example 3 and Comparative Example 1 demonstrate the effects of compression ratio and temperature.

Application No.: 10/501,092
Attorney Docket No.: 042564
Response under 37 CFR §1.111

Majima does not disclose, either expressly or inherently, a film showing “a half value width of recrystallization peak obtained by a differential scanning calorimeter (DSC) by lowering temperature of not more than 0.22” as recited in claim 1, and thus claim 1 is not anticipated by Majima.

For at least the foregoing reasons, claim 1 is patentable over Majima, and claims 2-6 are patentable by virtue of their dependence from claim 1. Accordingly, withdrawal of the rejection of claims 1-6 is hereby solicited.

In view of the above remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant’s undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/501,092
Attorney Docket No.: 042564
Response under 37 CFR §1.111

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp